

Environmental Regulatory Profile: VIRGINIA

2002

*Northern Regional
Environmental Office
Mission:*

*To coordinate, communicate and
facilitate resolution of regional and
state environmental issues of
importance to Army and DOD.*

USAEC NORTHERN
REGIONAL
ENVIRONMENTAL OFFICE

US Army Environmental Center
5179 Hoadley Road
Aberdeen Proving Ground
MD 21010-5401

Phone: 410-436-7097

Fax: 410-436-7110

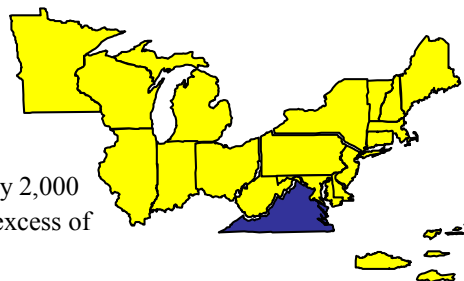
[http://aec.army.mil/usaec/reo/
nreo00.html](http://aec.army.mil/usaec/reo/nreo00.html)

Environmental Regulatory Agencies

Virginia Secretariat of Natural Resources.

The Secretariat supervises eight agencies responsible for environmental protection, natural and historic conservation, and outdoor recreation including fisheries and wildlife management. The agencies of the Natural Resources Secretariat employ nearly 2,000 people, have a combined annual budget in excess of \$264 million and include:

- Chesapeake Bay Local Assistance Department
- Department of Conservation and Recreation
- Department of Environmental Quality
- Department of Game and Inland Fisheries
- Department of Historic Resources
- Marine Resources Commission
- Museum of Natural History
- Chippokes Farm Museum



Virginia Department of Environmental Quality. The DEQ central office is located in Richmond, VA. DEQ has seven regional offices. The newest is South Central, which opened in November 2000. Activities of the seven regional offices include permits, remediation, air quality, water quality, compliance, monitoring and enforcement. Most permits from DEQ are issued by the regional offices, including all individual Virginia Pollutant Discharge Elimination System water permits, Virginia Pollution Abatement water permits, and Virginia Water Protection permits, except minimum instream flow projects and Virginia Department of Transportation (VDOT) projects. The regional offices issue all air permits to include new and modified source permits, prevention of significant deterioration permits, state operating permits, and federal operating permits (Title V). DEQ's central office issues waste permits and Virginia water protection permits for minimum instream flow and VDOT projects. The remediation programs administered by the regional offices include underground and above-ground storage tanks. The seven regional offices are:

- Southwest Regional Office – Abingdon, VA, representing counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe; and cities of Bristol, Galax, and Norton
- Valley Regional Office – Harrisonburg, VA, representing counties of Albemarle, Augusta, Bath,



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DEQ OFFICIALS

Virginia Department of Environmental Quality
629 E. Main Street
Richmond, VA 23219
Information: 804-698-4000 or 800-592-5482

Robert G. Burnley, Director,
804-698-4020

(Vacant), Chief Deputy,
804-698-4467

Mary Jo Leugers, Office of Enforcement Coordination,
804-698-4430

John Daniel, Director, Division of Air Program Coordination,
804-698-4311

- **Charles Turner, Air Permit Programs,** 804-698-4023
- **Robert Mann, Air Regulatory Development,** 804-698-4419
- **Alice Nelson, Air Inspection Coordination,** 804-698-4303

Larry Lawson, Director, Division of Water Program Coordination,
804-698-4108

- **Andrew Hagelin, Petroleum Storage Tanks,** 804-698-4297
- **Alan Pollock, Water Quality Programs,** 804-698-4002
- **John Kennedy, Chesapeake Bay Program,** 804-698-4312
- **Martin Ferguson, Water Permits,** 804-698-4039

Karen Sismour, Director, Division of Waste Program Coordination,
804-698-4421

- **Steve Frazier, Hazardous Waste Inspection Coordination,** 804-698-4199
- **Shawn Davis, Solid Waste Inspection Coordination,** 804-698-4471
- **John Ely, Waste Programs,** 804-698-4249

Clarke, Fluvanna, Frederick, Greene, Highland, Nelson, Page, Rockbridge, Rockingham, Shenandoah, and Warren; and cities of Buena Vista, Charlottesville, Harrisonburg, Lexington, Staunton, Waynesboro, and Winchester

- **Piedmont Regional Office – Glen Allen, VA,** representing counties of Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greenville, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex, and Westmoreland; and cities of Colonial Heights, Emporia, Hopewell, Petersburg, and Richmond
- **West Central Regional Office – Roanoke, VA,** representing counties of Alleghany, Bedford, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, and Roanoke; and cities of Bedford, Clifton Forge, Covington, Martinsville, Radford, Roanoke, and Salem
- **Tidewater Regional Office – Virginia Beach, VA,** representing counties of Accomack, Isle of Wight, James City, Northampton, Southampton, and York; and cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg
- **Northern Regional Office – Woodbridge, VA,** representing counties of Arlington, Caroline, Culpepper, Fairfax, Fauquier, King George, Loudoun, Louisa, Madison, Orange, Prince William, Rappahannock, Spotsylvania, and Stafford; and cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park
- **South Central Regional Office – Lynchburg, VA,** representing counties of Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, and Prince Edward; and cities of Danville, and Lynchburg

Citizen Boards. Three state regulatory boards, composed of Virginia citizens appointed by the Governor, are responsible for adopting Virginia's environmental regulations. They are the State Air Pollution Control Board, State Water Control Board and Virginia Waste Management Board. The DEQ staff administers the regulations as approved by the boards. All have statutory authority to promulgate regulations. The Air and Water boards have authority to approve certain permits. In cases where environmental laws or permit conditions are violated, the boards may impose administrative sanctions and initiate legal actions.

Authority in the Virginia environmental program varies among the three boards. The State Water Control Board exercises the most authority since it issues enforcement orders in addition to certain permits. The State Air Pollution Control Board issues some permits and has some enforcement authority. The Virginia Waste Management Board does not issue permits, but does have enforcement authority. However, both the State Air Pollution Control and Virginia Waste Management Boards have chosen not to utilize their respective enforcement authorities as a sitting board.

State Primacy. The commonwealth of Virginia has primacy to administer all environmental programs for which states can have primacy other than the Underground

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Injection Control program, including the underground storage tank (UST) program. The U.S. Environmental Protection Agency (USEPA) delegated its UST program to Virginia effective October 28, 1998. The remediation of National Priority List (NPL) sites is the only other environmental program for which the USEPA is the lead regulator. Regulation of ozone depleting substances, such as CFCs, is also a federal program not delegated to Virginia.

Virginia Environmental Priorities

Wetlands. Wetlands continue to be a high priority for Governor Warner. On October 1, 2001, DEQ implemented revised non-tidal wetland regulations, along with a series of general permits, that govern impacts to non-tidal wetlands and constitute Section 401 certification of federal permits for work in wetlands and surface waters. The Norfolk District Corps of Engineers is in the final stages of issuing a State Programmatic General Permit that will streamline the wetland permitting process by dividing the permitting responsibility between the Corps and DEQ for certain types of projects. Virginia is also working under an Executive Order, being implemented by a multi-agency task force, to increase wetlands through voluntary means by encouraging restoration of wetlands on private lands and inventorying state lands for opportunities for wetland restoration and preservation.

Water Quality. Water quality improvement initiatives are a high priority for Virginia. Initiatives to address water quality issues include development of Total Maximum Daily Loads (TMDLs) for over 600 impaired water bodies before 2010. The DEQ also intends to enhance its toxics monitoring and analysis of fish tissue for contamination. Implementation of nutrient reduction strategies for Chesapeake tributaries is another area of emphasis.

Air Quality. The DEQ administers requirements of the Federal Clean Air Act, and enforces state law, permits, and regulations to improve Virginia's air quality. Priorities focus on implementation of the Title V operating permit program, as well as new control technology (MACT) standards for sources that emit hazardous air pollutants.

Waste Programs. New brownfields legislation was passed in the 2002 General Assembly session. It is expected that renewal of brownfields will be given greater emphasis in the coming year. Virginia, with other states in EPA Region 3, is taking a leading role in recycling of post consumer electronics. Several collection events are scheduled for 2002. In September 2000, Virginia was authorized to implement the Hazardous Waste Corrective Action Program in lieu of EPA, and is transitioning to a lead role on corrective action facilities.

Water Supply. Ensuring an adequate and safe water supply is a high priority for the Warner Administration. The Secretary of Natural Resources and the Secretary of Health are working with the Department of Environmental Quality, the Department of Health, and other agencies to develop strategies for improving water supplies and water supply planning.

DEQ OFFICIALS, CONT.

- **Leslie Romanchik, Waste Permitting, 804-698-4129**
- **(Vacant), Remediation Programs**
- **Durwood Willis, Federal Facilities, 804-698-4192**
- **Renee Hooper, Financial Programs, 804-698-4018**
- Mike Murphy, Director, Division of Environmental Enhancement, 804-698-4003**
- **Ellie Irons, Environmental Impact Review, 804-698-4325**
- **Laura KcKay, Coastal Programs, 804-698-4323**
- **Allan Lassiter, Waste Tire & Recycling, 804-698-4215**
- **Jim Syndor, Long-Range Planning, 804-698-4424**
- Harry Gregori, Director, Division of Pollution Prevention & Compliance Assistance, 804-698-4374**
- **Sharon Baxter, Pollution Prevention, 804-698-4344**
- **Donna Huang, SARA Title III, 804-698-4489**
- **Richard Rasmussen, Small Business Assistance Program, 804-698-4394**
- **Ann Regn, Environmental Education, 804-698-4442**
- **Alan Anthony, Environmental Technology, 804-698-4114**
- (Vacant), Director, Division of Policy, 804-698-4484**
- **Cindy Berndt, Regulatory Affairs, 804-698-4378**
- **Kathy Frahm, Legislative Affairs, 804-698-4376**
- **Bill Hayden, Public Affairs, 804-698-4447**

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DEQ OFFICIALS, CONT.

Southwest Regional Office
355 Deadmore Street
PO Box 1688
Abingdon, VA 24212

- Mike Overstreet, Director,
540-676-4800

Valley Regional Office
4411 Early Road
PO Box 3000
Harrisonburg, VA 22801

- Brad Chewning, Director,
540-574-7800

Piedmont Regional Office
4949-A Cox Road
Glen Allan, VA 23060

- Gerard Seeley, Director,
804-527-5020

West Central Regional Office
3019 Peters Creek Road
Roanoke, VA 24019

- Richard Weeks, Director,
540-562-6700

Tidewater Regional Office
5636 Southern Blvd.
Virginia Beach, VA 23462

- Frank Daniel, Director,
757-518-2000

Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

- Greg Clayton, Director,
703-583-3800

South Central Regional Office
7705 Timberlake Road
Lynchburg, VA 24502

- Thomas Henderson, Director,
804-582-5120

Environmental Regulatory Issues Affecting Army Operations

Air Quality. The State Air Pollution Control Board has approved draft proposed incinerator regulations for Small Municipal Waste Combustors, and Commercial/Industrial Solid Waste Incinerators. These regulations are currently undergoing executive review; it is anticipated that they will be released for public comment in mid-2002. The federal standards for hospital/medical/infectious waste incinerators were adopted and became effective July 1, 2000. The new incinerator regulations require additional pollution controls, emissions monitoring, record keeping, and reporting.

Solid and Hazardous Waste Management. An amendment to the Solid Waste Management Regulations became final in May 2001. The amendment was primarily for clarification, but does speed up the corrective action process and allows additional composting options. An amendment to the Regulated Medical Waste Management Regulations is expected to be final in 2002. The principal change proposed is to bring Virginia's definition of regulated medical waste more in line with that found in OSHA regulations. The Hazardous Waste Management Regulations have recently been amended to incorporate by reference federal standards for permit processing (with a list of exceptions). The Virginia regulations incorporate the federal regulations as of July 1, 2001 (again, with a list of exceptions). The Military Munitions Rule was adopted by reference in November 2000. Updated regulations on Transportation of Hazardous materials are also expected in 2002, as are regulations on Commercial Transport of Solid and Regulated Medical Waste on State Waters. The Solid Waste Planning Regulations were amended in 2001. While the principal obligation is on local governments to develop long-range plans and report recycling rates, they may look to military facilities for information on waste generation and recycling.

Water Quality. The DEQ is developing the 2001 303(d) TMDL Priority List and TMDLs for water bodies identified by the 1998 303(d) list. In addition, a technical advisory committee has been assembled to draft a general permit for the discharge of dredge and fill material.

Virginia/DOD Pollution Prevention Partnership. Virginia, EPA, and all the military activities in Virginia entered into a pollution prevention partnership on 19 October 2000. The overall mission of the partnership is to identify opportunities, develop solutions and promote successes in pollution prevention to enhance the pollution prevention missions of the participants, conserve resources, and improve the quality of Virginia's environment. Goals have been developed to review a number of specific practices and processes that can be transferred among the participants, initiate cooperative projects, and externally share information through venues such as conferences, workshops, publications, and the Internet.

Environmental Education. The Virginia DEQ has initiated a number of programs focused on changing the environmental ethic in the commonwealth through various environmental education initiatives. The Virginia Naturally program provides a virtual

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library at www.VaNaturally.com. This website provides a gateway to statewide environmental education resources, including information about volunteer opportunities, educational classes, places to visit, community events, watershed maps, lesson plans, and recreational activities. The initiative recognizes exemplary efforts and makes it easy for schools, communities, and other groups or individuals to access resources about Virginia's environment. A number of military facilities in Virginia have become Virginia Naturally partners. These include Fort Eustis, Fort Belvoir, Langley Air Force Base, Quantico Marine Corps Base, Naval Surface Warfare Center at Dahgren, Navy Public Works in Virginia Beach, and the NASA development program in Hampton. Other programs include mentoring for small businesses, and Businesses for the Bay, which involves voluntary pollution prevention initiatives to minimize environmental impacts to the Chesapeake Bay.

Environmental Excellence Program. The Virginia Environmental Excellence Program promotes the use of environmental management systems and pollution prevention as a means of achieving greater environmental quality and improved organizational performance. The voluntary program offers recognition and incentives to encourage the adoption of environmental management systems and pollution prevention initiatives by organizations. The Environmental Enterprise (E2) level of participation is for organizations that are interested in beginning or are in the early stages of implementing an environmental management system. The Exemplary Environmental Enterprise (E3) level of participation is for organizations with fully implemented environmental management systems, pollution prevention programs, and demonstrated performance. DEQ will grant regulatory flexibility to organizations participating in the Environmental Excellence Program.

Virginia/DOD Remediation Partnering Teams. Remediation partnering teams representing each of the Services (Army, Navy, Air Force) and the Defense Logistics Agency has resulted in faster and more cost-effective site cleanups under the CERCLA program at military installations. Partnering teams consist of the representatives from the military installation, EPA, and Virginia DEQ, working collaboratively to reach consensus. Currently 10 teams representing 12 installations meet every four to six weeks to manage the investigation and remediation activities, establish and monitor team goals, and finalize decisions. Time and cost savings on individual projects have ranged as high as two years and \$3.5M at an individual project. In addition to establishing partnering teams at the installation level, teams have been formed in the management structure that serves to support team activities.

This document provides an overview of environmental regulatory programs and issues in Virginia. The impressions and viewpoints expressed herein are those of the Army Northern Regional Environmental Office, and are based on publicly available information and interaction with commonwealth of Virginia personnel. Last updated: March 2002.

OTHER OFFICIALS

**Virginia Secretariat of
Natural Resources**
PO Box 1475
Richmond, VA 23212

- W. Tayloe Murphy, Jr., Secretary,
804-786-0044

**Virginia Department of
Historical Resources**
2801 Kensington Avenue
Richmond, VA 23221

- Kathleen Kilpatrick, Director,
804-367-2323, ext. 128

**Virginia Department of Game and
Inland Fisheries**
4010 West Broad
Richmond, VA 23230

- William Woodfin, Director,
804-367-1000

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STATE EXECUTIVE AND LEGISLATIVE LEADERS

Governor Mark R. Warner (D)
Office of the Governor
State Capital, 3rd Floor
Richmond, VA 23219
804-786-2211

General Assembly
General Assembly Building
910 Capital Street
Richmond, VA 23219

Senate

John Chichester (R)
President Pro Tempore, Room 626
804-698-7528

Walter Stosch (R)
Majority Leader, Room 621
804-698-7512

Richard Saslaw (D)
Minority Leader, Room 613
804-698-7535

Mary Margaret Whipple (D)
Democratic Caucus Chair, Room 430
804-698-7531

Senate Standing Committees

Agriculture, Conservation & Natural Resources
Charles Hawkins (R), Chair,
Room 321, 804-698-7519

Transportation
Martin Williams (R), Chair,
Room 331, 804-698-7501

House of Delegates

S. Vance Wilkins, Jr. (R)
Speaker of the House,
Room 635, 804-698-1024

H. Morgan Griffith (R)
Majority Leader,
Room 607, 804-698-1008

Franklin Hall (D)
Minority Leader,
Room 614, 804-698-1069

House Standing Committees

Agriculture, Environment & Natural Resources
M. Kirkland Cox (R), Co-Chair,
Room 720, 804-698-1066

Agriculture Subcommittee
Robert Orrock (R), Chair,
Room 411, 804-698-1054

Natural Resources Subcommittee
David Albo (R), Chair,
Room 527, 804-698-1042

Chesapeake Subcommittee
Robert Bloxcom (R), Chair,
Room 701, 804-698-1000

Transportation
John Rollison, III (R), Co-Chair,
Room 704, 804-698-1052